

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

ROCKFORD MAP PUBLISHERS, INC.,)	
an Illinois corporation,)	
)	Civil Action No.10-CV-50253
Plaintiff,)	
)	
v.)	
)	
THOMAS GREGORY PUBLICATIONS,)	
INC., an Indiana corporation, THOMAS)	
KOUTTOULAS, an individual,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Rockford Map Publisher, Inc. (“Rockford Map” or “the Company”), by counsel, for its complaint against Thomas Gregory Publications, Inc. (“Thomas Gregory”) and Thomas Kouttoulas (“Kouttoulas”) does hereby state as follows:

NATURE OF THE ACTION

1. This copyright infringement claim arises out of the Defendants’ intentional infringement of Plaintiff’s copyrighted plat directory. By directly and knowingly copying Plaintiff’s copyright-registered plat directory, Defendants are infringing Plaintiff’s registered copyright, in violation of 17 U.S.C. § 501. Further, on information and belief, Kouttoulas operates his business, Thomas Gregory, as an alter ego, failing to observe corporate formalities such that the identities of the individual and the corporation are indistinguishable and maintenance of the fiction of distinct identities would permit the perpetration of a fraud. Defendants’ actions entitle Plaintiff to, *inter alia*, a preliminary and permanent injunction,

damages, impoundment and destruction of the offending plat directory and other materials, and recovery of Plaintiff's costs and attorneys' fees in bringing this action.

PARTIES

2. Rockford Map is an Illinois corporation that creates original plat maps and publishes plat directories for various counties in twenty states, including Illinois. Rockford Map's principal place of business is located in Belvidere, Illinois.

3. Kouttoulas is, on information and belief, a citizen of the state of Indiana and a resident of La Porte County, Indiana. Kouttoulas is the principal and, on information and belief, sole owner, of Thomas Gregory Publications.

4. Thomas Gregory Publications is an Indiana corporation located in La Porte, Indiana. On information and belief, Kouttoulas has at various times conducted business as Universal Plat & Directory Publishing, Thomas Gregory Plat Map Company, Inc., Thomas Gregory Co., and Town & Country Publications.

JURISDICTION AND VENUE

5. This action arises under the U.S. Copyright Code, 17 U.S.C. § 101 *et seq.*

6. This Court has subject matter jurisdiction over the present action pursuant to 28 U.S.C. §§ 1331 and 1338(a). First, this suit arises under federal law and is thus subject to United States jurisdiction under 28 U.S.C. § 1331. Second, this action arises under the copyright laws of the United States, giving this Court jurisdiction under 28 U.S.C. § 1338(a). This Court also has supplemental jurisdiction over the Illinois common law claim.

7. This Court has personal jurisdiction over the defendant because copyright violations sound in tort, which, under the Illinois Long Arm Statute, locates jurisdiction in the place of injury. 735 ILCS § 5/2- 209(a)(2); *Janmark, Inc. v. Reidy*, 132 F.3d 1200, 1202 (7th Cir.

Ill. 1997). Under copyright law, the place of injury is generally held to be the place where the copyright owner is located. *Igram v. Page*, 1999 U.S. Dist. LEXIS 11871, at * 4 (N.D. Ill. July 27, 1999).

8. Venue is proper in this District and Division pursuant to 28 U.S.C. §§ 1391 and 1400. Under 28 U.S.C. § 1400(a), copyright litigation may occur in the “district in which the defendant or his agent resides.” A defendant is deemed to reside, for the purposes of venue, “in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced.” 28 U.S.C. § 1391(c). *See Janmark*, 132 F.3d 1200, 1203.

BACKGROUND FACTS

A. Rockford Map and its Products

9. Rockford Map provides land ownership and plat data to private individuals, companies, and government entities in both the digital and print realms. Its products include plat books, wall maps, and digital files.

10. The Company’s maps supply information about, but not limited to, land ownership, water paths, acreage, municipal services, and road access to developers, foresters, realtors, hunters, and government agencies.

11. The compilation of the data for Rockford Map’s products is a time-consuming and expensive one; the Company’s cartography staff collects data by various means in order to ensure the accuracy of the maps produced by the company. The Company then compiles this information and publishes it in the form of wall maps, plat books, and digital files.

12. Its revenue streams from these activities include both map sales and advertising space sold in its plat books.

13. The Company updates its plat books regularly by both research in the land use registry of the county in question and other methods, thus ensuring that its customers have current and accurate information to use in the conduct of their business.

14. To protect its substantial financial investment in the acquisition, compilation, and publication of its maps, Rockford Map includes in its published materials “traps”—hidden information that identifies its own maps. These “traps” can include, for example, false extra initials or misspellings in certain names.

15. The Company is therefore able to identify unlawful usage of its work through the inclusion of its “traps” in allegedly original material published by entities other than it itself.

B. The Ford County Plat Book

16. In 1948, Rockford Map compiled the data for, created, and published the Ford County plat book, an original work of authorship.

17. It has updated the work regularly, with the two most recent updates taking place in 1996 and 2004. Copies of the 1996 and 2004 Rockford Map Ford County Land Atlas & Plat Book are attached here as Exhibits A and B.

18. Rockford Map has applied for and received a Certificate of Registration for the Ford County, Illinois plat book for 1996; the certificate, attached hereto as Exhibit C, was issued on February 14, 1996 as Certificate No. VA 716-957.

19. Rockford Map has applied for and received a Certificate of Registration for the Ford County, Illinois plat book for 2004; the certificate, attached hereto as Exhibit D, was issued on April 19, 2005 as Certificate No. VA 1-307-844.

C. Thomas Gregory's Infringement

20. In 2010, Thomas Gregory Publications, Inc. released a plat directory for Ford County, Illinois. A copy of the 2010 Thomas Gregory Ford County Illinois Plat Directory is attached hereto as Exhibit E.

21. In the creation of the Thomas Gregory Ford County plat directory, Kouttoulas reproduced exactly, by means of copying, portions of Rockford Map's Ford County plat maps, passing them off as his own under the auspices of Thomas Gregory Publications.

22. The direct copying of Rockford Map's materials is unmistakable because of the "traps" placed in Rockford Map's Ford County plat book, which also appear in the Thomas Gregory plat directory.

23. Kouttoulas, through Thomas Gregory, has sold advertising space in and sold and/or distributed the Ford County plat directory.

24. Rockford Map has not granted Kouttoulas or Thomas Gregory any license or permission to reproduce, use, distribute, or sell its proprietary and copyrighted materials.

COUNT I

(Federal Copyright Infringement)

25. Rockford Map re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 24 above.

26. Rockford Map's Ford County plat book is a copyrightable compilation work and is registered with the Register of Copyrights.

27. Kouttoulas, under the auspices of Thomas Gregory, knowingly and willfully copied Rockford Map's copyrighted material for unlawful use and distribution, in violation of 17 U.S.C. § 501(a).

28. As a result of such willful and intentional acts by Kouttoulas and Thomas Gregory, Rockford Map has suffered and continues to suffer substantial and irreparable injury and damage. Unless enjoined by this Court, such acts will continue and, in so continuing, will cause damage and irreparable injury to Rockford Map.

WHEREFORE, Plaintiff prays that this Court:

- A. find that Thomas Gregory and Kouttoulas violated 17 U.S.C. § 501 in unlawfully copying and distributing Rockford Map's Ford County plat map;
- B. preliminarily and permanently enjoin Kouttoulas and Thomas Gregory from distributing and/or selling its Ford County plat directory;
- C. order that all infringing Ford County plat directories in the possession or control of Kouttoulas and/or Thomas Gregory be destroyed;
- D. order that all infringing Ford County plat directories distributed by Kouttoulas and/or Thomas Gregory prior to the date of the disposition of this suit be impounded and destroyed;
- E. award Rockford Map its damages in an amount to be proved at trial;
- F. award Rockford Map its costs and attorneys' fees, pursuant to 17 U.S.C. § 505; and
- G. award Rockford Map such other and further relief as the Court deems just and proper.

COUNT II

(Illinois Common Law Piercing of the Corporate Veil)

29. Rockford Map re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 24 above.

30. Kouttoulas is the incorporator and principal in Thomas Gregory as well as, on information and belief, the sole proprietor.

31. On information and belief, there is such unity of interest and ownership between Kouttoulas and Thomas Gregory that the separate personalities of Kouttoulas and Thomas Gregory no longer exist.

32. On information and belief, Kouttoulas, at all times relevant to this matter, completely and fully controlled the actions and business practices of Thomas Gregory and continues to do so.

33. Adherence to the fiction of a separate corporate existence for Thomas Gregory from Kouttoulas would be unjust and inequitable.

34. As a result of the unity of interest and ownership between Kouttoulas and Thomas Gregory, Kouttoulas is personally liable for the debts and obligations of, and judgments against, Thomas Gregory.

32. Rockford Map has been significantly damaged as a result of Kouttoulas and Thomas Gregory's actions.

WHEREFORE, Rockford Map respectfully asks this Court to enter an order:

- A. piercing Thomas Gregory's corporate veil;
- B. finding in favor of Rockford Map and against Kouttoulas as to Rockford Map's damages;
- C. awarding Rockford Map recoverable costs and attorneys' fees; and
- D. awarding such other relief as is equitable and just.

Dated: September 27, 2010

Respectfully submitted,

/s/ Sarah B. Waxman

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Sarah Waxman

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